

**ALLEGED SHIPMENT:** On or about March 21, 1947, from the State of New York into the State of New Jersey.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statement "Relax While Reducing" appearing on the label of the *Marvel Bath* was false and misleading, since it represented and suggested that the *Marvel Bath* and the *Marvel Cream* would be efficacious to cause the user to lose weight, whereas the products would not be efficacious to cause the user to lose weight.

**DISPOSITION:** September 3, 1948. A plea of guilty having been entered, the court imposed a fine of \$500.

**2488. Misbranding of Holly Bath and Holly Cream. U. S. v. Hollywood Vita Products Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 24273. Sample No. 36317-K.)**

**INFORMATION FILED:** July 21, 1948, Southern District of California, against the Hollywood Vita Products Co., a partnership, Hollywood, Calif.

**ALLEGED SHIPMENT:** On or about October 13, 1947, from the State of California into the State of Washington.

**PRODUCT:** Analysis of the *Holly Bath* showed that it consisted essentially of epsom salt, sulfur, and a small proportion of pine oil, and that the *Holly Cream* consisted essentially of epsom salt, soap, water and perfume.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statement "Relax While Reducing," displayed upon the package containing the *Holly Bath*, was false and misleading. This statement represented and suggested that the *Holly Bath* and *Holly Cream* would be efficacious to cause the user to lose weight, whereas they would not be efficacious for such purpose.

**DISPOSITION:** On August 19, 1948, a motion to dismiss was filed on behalf of the defendant on the ground that the information did not state facts sufficient to show a violation of the statute. After consideration of the briefs of the parties, the court, on August 30, 1948, denied the motion. A plea of nolo contendere was thereupon entered, and on September 13, 1948, the court imposed a fine of \$250.

**2489. Misbranding of reducing and health bath and cream. U. S. v. Margaret Sevier (Dr. Ferenz Michel's Laboratories). Plea of nolo contendere. Fine, \$50. (F. D. C. No. 24246. Sample Nos. 66338-H, 66339-H.)**

**INFORMATION FILED:** April 7, 1948, Eastern District of Pennsylvania, against Margaret Sevier, trading as Dr. Ferenz Michel's Laboratories, Philadelphia, Pa.

**ALLEGED SHIPMENT:** On or about May 29, 1947, from the State of Pennsylvania into the State of New Jersey.

**PRODUCT:** Analysis disclosed that the bath preparation consisted essentially of epsom salt, with a small amount of a volatile oil resembling pine oil, and that the cream preparation resembled vanishing cream and possessed an odor of methyl salicylate.

**LABEL, IN PART:** "Dr. Ferenz Michel's Reducing & Health Bath [or "Cream"]."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statements "Reducing & Health Bath A Reducing Aid \* \* \* Reducing Bath \* \* \* Excellent Aid in the relief of Rheumatic and Arthritis Pains," borne on the label of the bath preparation, and the statement "An Aid For Reducing," borne on the label of the cream preparation, were false and misleading. The bath preparation would not be efficacious as a reducing aid and as a health aid, and it would not be efficacious to furnish relief from rheumatic and arthritic pains; and the cream preparation would not be efficacious as a reducing aid.

**DISPOSITION:** June 7, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$50.

**2490. Misbranding of Slenda-Bath. U. S. v. 70 Cartons, etc. (F. D. C. No. 24721. Sample No. 15158-K.)**

**LIBEL FILED:** April 12, 1948, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about March 17, 1943, by Richard Faxon Co., from Chicago, Ill.

**PRODUCT:** 70 cartons, each containing 10 herb packets, of *Slenda-Bath* at Grand Rapids, Mich., together with one plastic cape and a number of circulars entitled "Reduce While You Bathe," which were shipped with the product.

**LABEL, IN PART:** (Carton) "Slenda-Bath Reducing Plan Contents Active Ingredients: Herbs—Wood Guaiac, Water Pepper, Arbor Vitae, Sassafras Bark of the root; Wetting Agents—Sodium Laryl Sulphonate, Sodium Alkyl Sulphonate, Oil of Sassafras, Certified Coloring; Inert Ingredients—Water Softening Compounds."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the labeling of the article which represented and suggested that the article would be effective in bringing about a reduction in body weight were false and misleading, since the article would not be effective for such purpose.

**DISPOSITION:** July 29, 1948. Default decree of condemnation and destruction.

**2491. Misbranding of Mentos. U. S. v. 40 Cases \* \* \*. (F. D. C. No. 24742. Sample No. 10498-K.)**

**LIBEL FILED:** April 29, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 14, 1948, by Mentos Products, from Philadelphia, Pa.

**PRODUCT:** 40 cases, each containing 12 ½-pint bottles, of *Mentos* at New York, N. Y. Examination showed that the product consisted essentially of sulfur, ammonia, borates, carbonates, and water.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in a circular entitled "Mentos Medicine," which was attached to each bottle of the article, were false and misleading, since they represented and suggested that the article was effective in the treatment of scalp and skin diseases, severe cases of dandruff, eczema, psoriasis, ringworm, excess falling hair, and dry hair, and that the article would relieve inflammation of the glands and acne, whereas it would not be effective for such purposes.

**DISPOSITION:** May 26, 1948. Default decree of condemnation and destruction.

**2492. Misbranding of Hairmore. U. S. v. 45 Bottles, etc. (F. D. C. No. 24723. Sample Nos. 4663-K, 4671-K.)**

**LIBEL FILED:** April 16, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about November 6 and December 12, 1947, and March 15, 1948, by Gilmore-Burke, Inc., from Seattle, Wash.

**PRODUCT:** 45 2-ounce bottles and 44 4-ounce bottles of *Hairmore* at Boston, Mass., together with a number of circulars entitled "Good looking hair is a Real Asset" and a number of newspaper reprints entitled "Are You Bald? Priest Finds Hair Restorer." Examination disclosed that the product was a two-layer liquid, the upper layer consisting essentially of a saponifiable oil, and the lower layer consisting essentially of glycerin, boric acid, resorcinol, and tincture of nux vomica.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the labeling of the article were false and misleading, since they represented and suggested that the article was effective in promoting the growth of hair and overcoming scalp disorders, whereas the article was not effective for such purposes.

**DISPOSITION:** August 31, 1948. Default decree of condemnation and destruction.

**2493. Misbranding of Spectro-Chrome. U. S. v. 1 Device \* \* \*. (F. D. C. No. 16829. Sample No. 4174-H.)**

**LIBEL FILED:** July 19, 1945, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about June 29, 1945 by the Dinshah Spectro-Chrome Institute, from Newfield, N. J.

**PRODUCT:** 1 *Spectro-Chrome* device at Detroit, Mich. The construction and appearance of the device was essentially the same as that of the device involved in notices of judgment on drugs and devices, No. 2098.

The device was accompanied by the following pieces of printed and graphic matter: "Spectro-Chrome Home Guide," "Favorscope for 1945," "Rational Food of Man," "Key to Radiant Health," "Request for Enrollment as Benefit Student," "Auxiliary Benefit Notice—Make Your Own Independent Income as Our Introducer," "Spectro-Chrome General Advice Chart for the Service of Mankind—Free Guidance Request," "Certificate of Benefit Studentship," "Spectro-Chrome—December 1941—Scarlet," and "Spectro-Chrome—March 1945—Yellow."